

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

MICHAEL D. ROBERTS, #143 289

*

Plaintiff,

*

v.

*

3:08-CV-599-WHA
(WO)

JAY JONES, SHERIFF DEPT.,
et al.,

*

Defendants.

*

ORDER

This case is presently pending before the court on a complaint filed by Michael Roberts, an inmate currently incarcerated at the Lee County Detention Center located in Opelika, Alabama. His complaint names three defendants - Jay Jones, Sheriff of Lee County, Alabama, Corrine Hurst, Clerk for the Circuit Court for Lee County, and Officer Tommy Magnum. Plaintiff contends that he was arrested twice on the same day on a failure to appear warrant which had been rescinded. He complains this conduct subjected him to an illegal arrest and detention without probable cause.

“Federal Rule of Civil Procedure 8(a)(2) requires only ‘a short and plain statement of the claim showing that the pleader is entitled to relief.’ Specific facts are not necessary, rather the statement need only “‘give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.’” *Bell Atlantic Corp. v. Twombly*, 550 U.S. ___, 127 S.Ct.

1955, 1964 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). “Plaintiff’s obligation to provide the ‘grounds’ of his ‘entitle[ment] to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Id.* at 1965 (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986) (on a motion to dismiss, courts “are not bound to accept as true a legal conclusion couched as a factual allegation”)).

Here, Plaintiff has made only general allegations in his complaint against the named defendants. His complaint against the named defendants fails to identify factual allegations material to specific counts lodged against these defendants with respect to the alleged violation of his constitutional rights.

Accordingly, it is

ORDERED that on or before **August 29, 2008** Plaintiff shall amend his complaint to provide the following additional factual information:

1. Identify specific claims relative to *actions taken against him* by each named defendant and list these claims in separate counts;
2. Describe with clarity those factual allegations that are material to each specific count against the named defendants including the **specific dates** when the actions about which he complains occurred; and
3. Describe how each of the named defendants violated *his* constitutional rights.

Plaintiff is hereby advised that the amendment to his complaint must set forth short

and plain statements showing why he is entitled to relief and be specific enough to put the defendants on notice of how their conduct allegedly violated Plaintiffs' constitutional rights with respect to his illegal arrest claims and should contain only claims relative to actions taken against him by the named defendants in this regard. Each allegation in the pleading should be simple, concise and direct. *See* Rule 8, *Federal Rules of Civil Procedure*. Plaintiff is further advised that his failure to timely and properly comply with the directives contained in this order will result in a Recommendation that this action be dismissed.

Done, this 14th day of August 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE